



House of Representatives

General Assembly

File No. 3

February Session, 2018

Substitute House Bill No. 5130

House of Representatives, March 12, 2018

The Committee on Environment reported through REP. DEMICCO of the 21st Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING THE SEWAGE SPILL RIGHT-TO-KNOW ACT
AND EXPANDING CONTINUING EDUCATION PROGRAMS FOR
WASTEWATER OPERATORS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (d) of section 22a-416 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2018*):

4 (d) (1) As used in this section the terms "class I", "class II", "class III"
5 and "class IV" mean the classifications of wastewater treatment plants
6 provided for in regulations adopted by the Department of Energy and
7 Environmental Protection. The Commissioner of Energy and
8 Environmental Protection may establish requirements for the presence
9 of approved operators at pollution abatement facilities. Applicants for
10 class I and class II certificates shall only be required to pass the
11 relevant standardized national examination prepared by the
12 Association of Boards of Certification for Wastewater Treatment
13 Facility Operators. Applicants for class III and class IV certificates shall

14 only be required to pass the relevant standardized national
15 examination prepared by the Association of Boards of Certification for
16 Wastewater Treatment Facility Operators supplemented with
17 additional questions submitted by the commissioner to such board.
18 Operators with certificates issued by the commissioner prior to May
19 16, 1995, shall not be required to be reexamined. The commissioner
20 shall administer and proctor the examination of all applicants. The
21 qualifications of the operators at such facilities shall be subject to the
22 approval of the commissioner. The commissioner may adopt
23 regulations, in accordance with the provisions of chapter 54, requiring
24 all operators at pollution abatement facilities to satisfactorily complete,
25 on a regular basis, a state-certified training course, which may include
26 training on the type of municipal pollution abatement facility at which
27 the operator is employed and training concerning regulations
28 promulgated during the preceding year. Any applicant for certification
29 who passed either the examination prepared and administered on
30 December 8, 1994, by the commissioner or the examination prepared
31 by the Association of Boards of Certification for Wastewater Treatment
32 Facility Operators and administered on December 8, 1994, by the
33 commissioner shall be issued the appropriate certificate in accordance
34 with the regulations adopted under this section.

35 (2) On and after October 1, 2019, in addition to the requirements of
36 subdivision (1) of this subsection, the commissioner, or the
37 commissioner's designated agent, shall administer a wastewater
38 treatment facility operator certification program that includes an
39 examination and certification renewal process. The commissioner shall
40 adopt regulations, in accordance with the provisions of chapter 54, to
41 establish such certification program and a continuing education
42 program designed to enable such certification of operators and to
43 enhance the professional development of such operators. Such
44 continuing education program shall be administered by the
45 commissioner or the commissioner's designated agent. Such
46 continuing education program shall, at a minimum, require operators
47 to complete training on the type of municipal pollution abatement
48 facility at which the operator is employed and on all applicable state

49 and federal requirements and guidelines.

50 Sec. 2. Section 22a-424a of the general statutes is repealed and the
51 following is substituted in lieu thereof (*Effective from passage*):

52 (a) For the purposes of this section:

53 (1) "Sewage treatment plant or collection system" means any sewage
54 treatment plant, water pollution control facility, related pumping
55 station, collection system or other public sewage works;

56 (2) "Sewage spill" means the diversion of wastes from any portion of
57 a sewage treatment plant or collection system in this state that
58 reasonably initiates public health, safety or welfare concerns, or
59 environmental concerns; and

60 (3) "Combined sewer" means structures which are designed to
61 convey both sanitary and storm sewage, and allow the overflow of
62 such combined sewage, untreated, to the waters of the state during
63 periods of high flows.

64 (b) On and after July 1, 2013, the Commissioner of Energy and
65 Environmental Protection shall post, on the department's Internet web
66 site, a map of the state indicating the combined sewer overflows
67 anticipated to occur during certain storm events. The web site may
68 include the following relevant information about the overflows: (1)
69 Location, anticipated duration and extent; (2) reasonable public health,
70 safety or environmental concerns; and (3) public safety precautions
71 that should be taken.

72 (c) (1) On and after July 1, 2014, the Commissioner of Energy and
73 Environmental Protection shall post, on the department's Internet web
74 site, notice of unanticipated sewage spills and waters of the state that
75 have chronic and persistent sewage contamination that represents a
76 threat to public health, as determined by the Commissioner of Energy
77 and Environmental Protection in consultation with the Commissioner
78 of Public Health. Any notice posted pursuant to this subsection may
79 contain the following relevant information as best determined from the

80 reported sewage spill incident: [(1)] (A) The estimated volume of
 81 discharge; [(2)] (B) the level of treatment of the discharge; [(3)] (C) the
 82 date and time the incident occurred; [(4)] (D) the location of the
 83 discharge; [(5)] (E) the estimated or actual time the discharge ceased;
 84 [(6)] (F) the geographic area impacted by the discharge; [(7)] (G) the
 85 steps taken to contain the discharge; [(8)] (H) reasonable public health,
 86 safety or welfare concerns or environmental concerns; and [(9)] (I)
 87 public safety precautions that should be taken.

88 (2) On and after July 1, 2018, any report of a sewage spill incident
 89 described in this subsection shall be submitted to the Department of
 90 Energy and Environmental Protection as an electronic report, in a form
 91 as prescribed by the Commissioner of Energy and Environmental
 92 Protection.

93 (3) On and after July 1, 2018, the notice required by subdivision (1)
 94 of this subsection for unanticipated sewage spills shall be posted not
 95 later than twenty-four hours after such unanticipated spill commences
 96 and shall concomitantly be issued by the Commissioner of Energy and
 97 Environmental Protection as a press release for general information
 98 purposes.

99 (d) The Commissioner of Energy and Environmental Protection
 100 shall consult with the Commissioner of Public Health, operators of
 101 sewage treatment plant or collection systems and state and local
 102 environmental and health agencies when developing the notice
 103 required by subsection (c) of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2018	22a-416(d)
Sec. 2	from passage	22a-424a

ENV *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 19 \$	FY 20 \$
MDC	Clean Water Fund - Cost	None	Up to 20,000
Department of Energy and Environmental Protection	GF - Cost	None	65,000
Comptroller Misc. Accounts (Fringe Benefits) ¹	GF - Cost	None	23,615

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 19 \$	FY 20 \$
Various Municipalities	STATE MANDATE - Cost	None	Up to 20,000

Explanation

The bill creates a new certification renewal and a continuing education program for certified wastewater treatment facility operators, which the Department of Energy and Environmental Protection (DEEP) must administer by October 1, 2019.

The bill results in costs of \$65,000 in FY 20 to DEEP, plus associated fringe benefits (of \$23,615 in FY 20) for an additional Environmental Analyst II position to manage the newly established certification renewal and continuing education program.

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 36.33% of payroll in FY 19 and FY 20.

Additionally, the bill would result in costs to various municipalities, including the Metropolitan District Commission (MDC) for wastewater treatment plant operators to obtain a certification renewal and continuing education credits.² It is anticipated that the MDC and larger cities have up to 30 wastewater treatment plant operators and that renewal and continuing credit requirements may cost up to \$500 per employee. Therefore, costs to the MDC and various municipalities are estimated at up to \$20,000 each in FY 20.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation and the cost of certification renewal and continuing education requirements.

² The MDC is a non-profit municipal corporation chartered by the General Assembly in 1929 to provide potable water and sewerage services on a regional basis to eight member municipalities: Bloomfield, East Hartford, Hartford, Newington, Rocky Hill, West Hartford, Wethersfield and Windsor, and drinking water to portions of Farmington, Glastonbury, East Granby and South Windsor.

OLR Bill Analysis**sHB 5130*****AN ACT CONCERNING THE SEWAGE SPILL RIGHT-TO-KNOW ACT AND EXPANDING CONTINUING EDUCATION PROGRAMS FOR WASTEWATER OPERATORS.*****SUMMARY**

This bill adds to the reporting requirements applicable to the Department of Energy and Environmental Protection (DEEP) following a reported unanticipated sewage spill incident.

By law, after a spill DEEP must post on its website notice of the incident, which may include information such as the discharge location and estimated discharge volume, date and time of incident, geographic area impacted, extent to which the discharge was treated and steps taken to contain it, and public safety precautions that should be taken, among other things.

Beginning July 1, 2018, DEEP must (1) post this information within 24 hours after the unanticipated spill begins and (2) at the same time it posts the information online, issue the information in the form of a press release. Also as of July 1, 2018, sewage spill incident reports must be submitted to DEEP electronically, in a form the commissioner prescribes.

The bill establishes a certification renewal process and a continuing education program for certified wastewater treatment facility operators, which DEEP must begin administering on October 1, 2019.

The bill also makes several technical changes.

EFFECTIVE DATE: Upon passage for the sewage spill notice requirements and October 1, 2018 for the wastewater operator provisions.

WASTEWATER TREATMENT PLANT OPERATORS

The bill expands DEEP's authority over certified wastewater treatment facility operators by requiring the commissioner or his designee to administer a certification program that includes an examination and certification renewal process and a continuing education program. Current law and regulations only require that these operators pass an examination and meet certain education requirements as part of their certification (CGS § 22a-416; Conn. Agencies Regs. § 22a-416-4).

Under the bill, the commissioner must adopt regulations to establish the programs and they must be designed to enable operator certification and enhance professional development. The bill requires the commissioner or his designee to administer the education program, which must include a requirement that operators complete training on the type of municipal facility at which they are employed and on all applicable state and federal requirements and guidelines.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 30 Nay 0 (02/28/2018)